

REMARKS

Information Disclosure Statement

In compliance with 37 CFR 1.98(b), applicants are submitting an information disclosure statement to include the references discussed in the background of the subject application. Accordingly, applicants respectfully request that these references be considered. Further, applicant is submitting references uncovered via a pending international application, and respectfully requests that these references be considered.

In the Drawings

Applicants have submitted a replacement sheet for Figure 1 to obviate the Examiner's objection to this figure. As amended, Figure 1 now correlates to Figs. 2-10 and also corresponds with the disclosure. No new matter has been added.

In the Specification

Paragraph 24 has been amended to remove the redundant and improper reference to "a cylinder block 2". Further, a typographical error has been corrected by capitalizing the first word "the" in the last sentence of this paragraph.

Paragraph 25 has been amended to correct typographical errors and to make the paragraph grammatically correct. The hyphen in the word "recognizable" has been removed, and commas have been inserted to improve the readability.

Paragraph 27 has been amended to correct terminology and to correct grammatical errors. A global change has been made to change "distance position 11" to "distance portion 11", and also, the term "functional positions 12, 13" have been changed to "functional portions 12, 13". Further, the term "absorbs" in line 6 has been changed to "receives", and the term "hollow" in line 10 has been changed to "recess". Lastly, the term "deformations" has been made singular in the last sentence.

Paragraph 29 has been amended to incorporate the global change for "distance portion", and the term "avoided" in line 3 has been changed to the term "void".

Paragraph 30 has been amended to incorporate the global change for the term "functional portion".

Appln. No.: 10/562,194

Paragraph 31 has been amended to correct a typographical error by capitalizing the first word “recognizable” in the second sentence. Further, it has been amended to incorporate the global change for the term “functional portion”, and also, the term “avoiding” has been changed to “receiving”.

Paragraph 32 has been amended to incorporate the global change for the terms “distance portion” and “functional portions”.

All of the changes to the specification have been made to correct grammatical errors, and to improve its readability. No new matter has been added.

In the Claims

Claim Objections and Rejections under 35 U.S.C. § 112

The objection to claim 18 and the rejections under Section 112 of claims 12-22 have been obviated through amendment of the claims, which are discussed in detail hereafter in answer to the rejections under Section 102. Accordingly, applicants believe all the claims to now be in proper condition for allowance.

Claim Rejections under 35 U.S.C. § 102

Applicants respectfully disagree with the Examiner’s position that claims 12-22 are anticipated by Habuta et al (U.S. Patent No. 5,895,056). To more clearly define over Habuta et al, applicants have amended claim 12.

As amended, claim 12 recites a cylinder head gasket for an internal combustion engine, insertable for sealing of components having at least one T-junction. The gasket has at least one functional portion, at least one distance portion, and at least one seal element provided in the region of the T-junction. The distance portion has at least one recessed region having a seal engaging bottom surface, wherein the recessed region receives a portion of the seal element.

In contrast, Habuta et al discloses a gasket having a pair of functional layers or portions 5, 7 having notched portions 11, 12, respectively, that are open as through openings on a chain passage opening 4 side (see column 7, lines 54-56). The gasket also has an intermediate plate or distance portion 6 having a slot or through opening 13,

Appln. No.: 10/562,194

wherein the portion 6 is disposed between the functional portions 5, 7. Unlike applicants' claimed structure, Habuta et al does not have a recessed region having a seal engaging bottom surface in the distance portion 6. As noted, the opening 13 in the distance portion 6 of Habuta et al is a through opening. As such, the gasket in Habuta et al requires that a seal element 25 be fixed with a mounting metal plate 15 which is partly inserted into an engagement hole 41 of the seal member 25 (see column 7, lines 47-52). Applicants note that this requires a much different structure than claimed by applicants, and also note that Habuta et al comes with inherent drawbacks, such as reduced manufacturing efficiencies and increased costs.

Accordingly, applicants contend that claim 12, as amended, defines patentable subject matter and to be in proper condition for allowance. Such action is respectfully requested.

Claim 13 has been amended to more clearly recite applicants' claimed structure, and to more clearly define over Habuta et al. As amended, claim 13 recites a cylinder head gasket of claim 12, wherein the seal element protrudes outwardly from the recessed region in the direction of at least one of the sealed components, wherein the seal gasket is detached from the at least one functional portion.

In contrast, as noted above, Habuta et al discloses its seal element 25 being fixed to a metal mounting plate 15, and thus, is not detached as claimed by applicants.

Accordingly, in addition to being dependent upon base claim 12, and thus, being allowable for at least the same reasons, applicants believe claim 13 to further define patentable subject matter over Habuta et al and to be in proper condition for allowance. Such action is respectfully requested.

Claim 14 has been amended to more clearly recite the claimed structure, and to more clearly define over Habuta et al. As amended, claim 14 recites a cylinder head gasket of claim 12, wherein the distance portion in the region of the seal element is associated with at least one functional portion, with the functional portion having an opening to receive the seal element therethrough in detached fashion.

In contrast, as discussed above, Habuta et al does not disclose the seal element 25 extending through the openings of the functional portions 5, 7 in detached fashion. If the

Appln. No.: 10/562,194

seal element 25 in Habuta et al were detached, it would fall freely from the assembly, as there would be no support to maintain the seal element 25 in an attached relation to the seal assembly.

Accordingly, applicants contend that claim 14, as amended, defines patentable subject matter and to be in proper condition for allowance. Such action is respectfully requested.

Claim 15 has been amended to more clearly recite applicants' claimed structure, and to further define over Habuta et al. As amended, claim 15 recites a cylinder head gasket according to claim 14, wherein the recessed region has a larger surface in cross section than the opening.

As discussed, Habuta et al does not disclose or suggest a recessed region as claimed by applicants, and thus, it stands to reason that in absence of a recessed region, there can be no recessed region having a larger surface in cross section than the openings 11, 12 in the functional layers 5, 7.

Accordingly, applicants contend that claim 15, as amended, defines patentable subject matter and to be in proper condition for allowance. Such action is respectfully requested.

Claim 16 has been amended to more clearly recite applicants' claimed structure, and is ultimately dependent upon base claim 12, and thus, is believed to define patentable subject matter and to be in proper condition for allowance for at least the same reasons. Such action is respectfully requested.

Claim 17 has been amended to correct the dependency so that claim 17 now depends from base claim 12. As such, applicants believe claim 17, as amended, defines patentable subject matter and to be in proper condition for allowance for at least the same reasons stated above in support of claim 12. Such action is respectfully requested.

Claim 18 has been amended to correct dependency upon base claim 12, and to more clearly recite applicants' claimed structure. As amended, claim 18 recites a cylinder head gasket according to claim 12, wherein the seal element is partially supported on a boundary region of the distance portion surrounding the recessed region.

Appln. No.: 10/562,194

In contrast, Habuta et al does not disclose, let alone suggest, partially supporting the seal element 25 on a boundary region of the distance portion 6. In addition, given that Habuta et al does not provide a recessed region as claimed by applicant, it stands to reason that Habuta et al does not disclose partially supporting the seal element 25 on a boundary region of the distance portion 6 surrounding a recessed region.

Accordingly, applicants contend that claim 18, as amended, defines patentable subject matter and to be in proper condition for allowance. Such action is respectfully requested.

Claim 19 has been amended to obviate the Examiner's rejection under Section 112 by changing its dependency to claim 12, and has been further amended to more clearly define applicants' claimed structure and to more clearly define over Habuta et al. As amended, claim 19 recites a cylinder head gasket according to claim 12, wherein the seal element is arranged in the recessed region without contacting boundaries of the recessed region and is supported by the bottom surface of the recessed region.

As discussed several times above, Habuta et al does not disclose a recessed region as claimed by applicants, and thus, it stands to reason that Habuta et al does not disclose the seal element 25 being arranged in a recessed region without contacting boundaries of the recessed region, nor does Habuta et al disclose supporting the seal element 25 by a bottom surface of a recessed region.

Accordingly, applicants contend that claim 19, as amended, defines patentable subject matter and to be in proper condition for allowance. Such action is respectfully requested.

Claim 20 has been cancelled without prejudice.

Claim 21 has been amended to obviate the Examiner's objection, and to more clearly recite applicants' claimed structure and to more clearly define over Habuta et al. As amended, claim 21 recites a cylinder head gasket according to claim 12, wherein at least one hollow channel in the functional portion is in open communication with the opening and the seal element is partially received in the channel.

Appln. No.: 10/562,194

Aside from being dependent upon base claim 12, applicants contend that claim 21 defines patentable subject matter over Habuta et al, given that Habuta et al does not disclose or suggest providing at least one hollow channel in the functional portions 5, 7 with the channel being in open communication with the opening 20 and with the seal element being partially received in the channel.

Accordingly, applicants contend claim 21, as amended, defines patentable subject matter and to be in proper condition for allowance. Such action is respectfully requested.

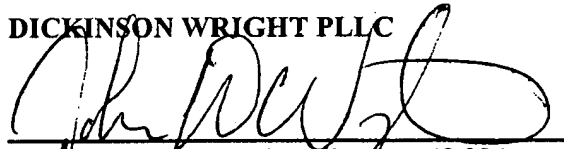
Claim 22 has been amended to obviate the Examiner's rejection under Section 112. As such, applicants contend that claim 22, as amended, defines patentable subject matter and to be in proper condition for allowance for at least the same reasons stated above in support of claim 12. Such action is respectfully requested.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

DICKINSON WRIGHT PLLC



John D. Wright, Registration No. 49,095
38525 Woodward, Suite 2000
Bloomfield Hills, Michigan 48304
(248)433-7390

August 25, 2006

Date

CERTIFICATE OF MAILING

I hereby certify that this **Amendment** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 25, 2006


Karri M. Chamberlin

BLOOMFIELD 710270-30 779313v1

Appln. No.: 10/562,194

IN THE DRAWINGS

The attached sheet of a drawing includes changes to Figure 1 . This sheet, which includes Figure 1, replaces the original sheet of the drawing including Figure 1. No new matter has been added.

Attachment: Replacement Sheets